

ESTTA Tracking number: **ESTTA338138**

Filing date: **03/19/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	The CFO Group, Inc.
Granted to Date of previous extension	03/20/2010
Address	120 W. Main Street, Suite 300 Northville, MI 48167 UNITED STATES
Attorney information	William F. Kolakowski III Dykema Gossett PLLC 39577 Woodward Avenue, Suite 300 Bloomfield Hills, MI 48304 UNITED STATES ipmail@dykema.com Phone:(248) 203-0822

### Applicant Information

Application No	77708852	Publication date	01/19/2010
Opposition Filing Date	03/19/2010	Opposition Period Ends	03/20/2010
Applicant	Maxprofits, LLC 9600 Covenant Court Owings, MD 20736 UNITED STATES		

### Goods/Services Affected by Opposition


Class 035. First Use: 2009/03/15 First Use In Commerce: 2009/03/15 All goods and services in the class are opposed, namely: Business consultation in the field of accounting, finance, HR, IT and operations
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3166912	Application Date	04/20/2005
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	THE CFO GROUP		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2004/09/01 First Use In Commerce: 2004/09/01 BUSINESS CONSULTATION SERVICES

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CFO GROUP		
Goods/Services	business consulting services including (1) business finance and accounting consulting services; and (2) consultation services in the field of accounting software systems		

Attachments	78612965#TMSN.jpeg ( 1 page )( bytes ) Opposition.pdf ( 25 pages )(6376202 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/William F. Kolakowski III/
Name	William F. Kolakowski III
Date	03/19/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**Serial No. 77/708,852**

\_\_\_\_\_  
The CFO Group, Inc., a Michigan corporation )

Opposer, )

v. )

Maxprofits, LLC d/b/a CFO Systems Group, LLC, )  
a Maryland limited liability company )

Applicant. )  
\_\_\_\_\_)

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

**Introduction**

The CFO Group, Inc. (hereinafter “Opposer”) is a Michigan corporation with offices at 120 W. Main Street, Northville, MI 48167, United States. Opposer is the owner of U.S. Trademark Registration No. 3,166,912 for “THE CFO GROUP” and pending U.S. Trademark Application Serial No. 77/825,768 for “CFO GROUP”.

Opposer believes it will be damaged by the registration of the mark “CFO SYSTEMS GROUP TAILORED STRATEGIES, PROVEN RESULTS & Design” shown in Application Serial No. 77/708,852 for “business consultation in the field of accounting, finance, HR, IT and operations” in International Class 35, and hereby opposes registration of this mark under the provisions of 15 U.S.C. § 1063.

Application Serial No. 77/708,852 for the mark “CFO SYSTEMS GROUP TAILORED STRATEGIES, PROVEN RESULTS & Design” was filed April 7, 2009 by Maxprofits, LLC d/b/a CFO Systems Group, LLC (hereinafter “Applicant”), a Maryland limited liability company

with offices located at 9600 Covenant Court, Owings, Maryland 20736, United States. The mark was published for opposition on January 19, 2010. Opposer timely filed a Thirty Day Request for Extension of Time to Oppose on February 17, 2010. On the same date, the Trademark Trial and Appeal Board granted the request to extend the time to oppose until March 20, 2010. Accordingly, Opposer hereby timely files the Notice of Opposition.

### **Grounds for Opposition**

The grounds for the opposition are as follows:

1. Matthew G. Martin ("Martin"), an individual, adopted and began use of the trademarks THE CFO GROUP and CFO GROUP in connection with various business consulting services at least as early as September 1 2004, **prior to the filing date of Applicant's application and prior to the date of first use stated therein.**

2. On November 8, 2004, Martin incorporated The CFO Group, Inc. in Michigan and transferred all right, title and interest and the goodwill associated with the THE CFO GROUP and CFO GROUP to The CFO Group, Inc.

3. On April 20, 2005, The CFO Group, Inc. filed an application for registration of "THE CFO GROUP". U.S. Trademark Registration No. 3,166,912 for "THE CFO GROUP" ("CFO GROUP Registration") issued October 31, 2006 on the supplemental register for use of the mark in connection with "business consultation services" in International Class 035. The CFO GROUP Registration is made part of the record by the enclosed TARR print-outs in accordance with 37 C.F.R. §2.122(d) and attached as Exhibit 1.

4. On September 14, 2009, The CFO Group, Inc. filed U.S. Trademark Application No. 77/825,768 for registration of "CFO GROUP" ("CFO GROUP Application") on the principal register. The application remains pending.

5. Prior to the filing of the CFO GROUP Application, Applicant—on April 7, 2009—filed U.S. Trademark Application Serial No. 77/708,852 for the mark “CFO SYSTEMS GROUP TAILORED STRATEGIES, PROVEN RESULTS & Design” (“CFO SYSTEMS GROUP Application”) for use in connection with “business consultation in the field of accounting, finance, HR, IT, and operations.”

6. In an Office Action issued July 1, 2009, the Examining Attorney for the CFO SYSTEMS GROUP Application rejected the CFO SYSTEMS GROUP Application based, in part, on a likelihood of confusion under 15 U.S.C. § 1052(d) with respect to the CFO GROUP Registration.<sup>1</sup> The Examining Attorney concluded that the Applicant offered identical services to those listed in the CFO GROUP Registration and that the marks were also similar (particularly on the basis of the prominent use of “CFO” and “GROUP” in the CFO SYSTEMS GROUP Application)

7. Applicant responded to the Office Action with the following argument:

I respectfully disagree that my logo will cause confusion or that it is deceptive or mis described [sic]. As the attached brochure will show, the service I offer is "Outsourced CFO Services" - and as a part of that I have to offer systems and process to achieve good financial controls for a company. I also have more than one employee - hence the reference to the word Group. So the logo - CFO Systems Group - I believe clearly identifies [sic] what we do and has been widely understood by all my clients and prospective clients. I don't believe it should be confused with the other entity [sic] the CFO Group - as they do business advisory services - where I do outsourced CFO services - my explanation was not the best to you I admit. But what I do is function as company's [sic] CFO on an interim and outsourced basis.

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<sup>1</sup> In like manner, an Office Action issued in the CFO GROUP Application has indicated a potential refusal of registration in view of the CFO SYSTEMS GROUP Application on the basis of a likelihood of confusion under 15 U.S.C. § 1052(d) and the prior filing date of the CFO SYSTEMS GROUP Application.

Notably, Applicant also sought to amend the Application to seek registration of “CFO SYSTEMS GROUP & Design” (i.e., eliminating TAILORED STRATEGIES, PROVEN RESULTS”). This attempt was ultimately rejected by the Examining Attorney.

8. In the next Office Action, the Examining Attorney withdrew the previous refusal to register under 15 U.S.C. 1052(d)—apparently on the basis of the argument stated above. Opposer notes, however, that to the extent the Applicant made a distinction between “outsourced” CFO services and “business advisory services,” this distinction is not present in Applicant’s description of services. More importantly, however, a comparison of the specimens of use submitted in the CFO SYSTEMS GROUP Application and in Opposer’s CFO GROUP Registration and CFO GROUP Application indicate that the services are, in fact, substantially identical business consulting services. Copies of the specimens submitted in the CFO Systems Group Application are attached as Exhibits 2-5. A Copy of the specimen submitted in the CFO GROUP Registration is attached as Exhibit 6. A Copy of the specimen submitted in the CFO GROUP Application is attached as Exhibit 7.

9. As stated above, Opposer has been using “THE CFO GROUP” and “CFO GROUP” since at least as early as September 1, 2004. Opposer’s use of these marks has been continuous and without interruption since that time. Opposer is also the owner of the CFO GROUP Registration that issued October 31, 2006. The CFO SYSTEMS GROUP Application was filed on April 7, 2009 and recites a date of first use of March 15, 2009. Opposer therefore has priority of use.

10. Opposer’s “THE CFO GROUP” and “CFO GROUP” marks are similar in appearance, sound and connotation to Applicant’s “CFO SYSTEMS GROUP TAILORED

STRATEGIES, PROVEN RESULTS & Design” mark. In particular, both marks prominently include “CFO” and “GROUP.”

11. Opposer and Applicant both offer similar—and even identical—services under the marks as evidenced by the specimens of use submitted in CFO GROUP Registration, CFO GROUP Application and CFO SYSTEMS GROUP Application and attached as Exhibits 2-7.

12. Upon information and belief, Applicant’s services are offered to a class of consumers similar to those who purchase the services associated with Opposer’s THE CFO GROUP and CFO GROUP marks and Applicant’s services will be offered through the same channels of trade.

13. In view of the similarity of the marks, the services offered under the marks, and the similarity in the channels of trade, Applicant’s registration of its mark is likely to lead to confusion, mistake or deception under Section 2(d) of the Trademark Act, 15 U.S.C. Section 1052(d) causing consumers to mistakenly believe that the services of Applicant emanate from, or are proffered by, or are provided under the Opposer’s approval, sponsorship, or control, to the damage of Opposer and the consuming public.

14. As noted above, an Office Action in Opposer’s CFO GROUP Application has indicated a possible refusal of registration in view of the CFO SYSTEMS GROUP Application on the basis of a likelihood of confusion under 15 U.S.C. § 1052(d) and the prior filing date of the CFO SYSTEMS GROUP Application. Accordingly, issuance of a registration of the CFO Systems Group Application will also damage Opposer’s ability to maintain the CFO SYSTEMS GROUP Application.

15. Applicant is not affiliated with nor connected in any way to Opposer. Opposer has not consented to Applicant’s use of the “CFO SYSTEMS GROUP TAILORED STRATEGIES, PROVEN RESULTS & Design” mark.

16. WHEREFORE, Opposer respectfully requests that the mark sought to be registered by Applicant be refused and the Notice of Opposition sustained.

**Recognition of Attorneys**

Please recognize William F. Kolakowski and the firm of Dykema Gossett PLLC, 39577 Woodward Avenue, Suite 300, Bloomfield Hills, Michigan 48310, as attorneys for Opposer.

**Payment of Fees**

Please withdraw the amount of \$300.00 in payment of the required filing fee any other associated required fees from our Deposit Account No. 04-2223. Authorization is also given to charge any deficiencies, or credit any overpayment, to Deposit Account No. 04-2223 throughout the pendency of this Opposition.

Respectfully Submitted,

Date: March 19, 2010

By:



William F. Kolakowski III  
Attorneys for Opposer  
Dykema Gossett PLLC  
39577 Woodard Avenue, Suite 300  
Bloomfield Hills, MI 48310  
Telephone: (248) 203-0822  
Facsimile (248) 203-0763  
Email- ipmail@dykema.com



**Serial No. 77/708,852**

Opposition No. \_\_\_\_\_

## 7

**Serial No. 77/708,852**

Applicant.

**Offered by:** The CFO Group, Inc. (Opposer)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-03-19 14:31:32 ET

Serial Number: 78612965 Assignment Information Trademark Document Retrieval

Registration Number: 3166912

Mark

THE CFO GROUP

(words only): THE CFO GROUP

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-10-31

Filing Date: 2005-04-20

Transformed into a National Application: No

Registration Date: 2006-10-31

Register: Supplemental

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-10-31

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. The CFO Group, Inc.

**Address:**

The CFO Group, Inc.  
39582 Legend Court  
Northville, MI 48167  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Michigan

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**GOODS AND/OR SERVICES**

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**International Class:** 035

**Class Status:** Active

BUSINESS CONSULTATION SERVICES

**Basis:** 1(a)

**First Use Date:** 2004-09-01

**First Use in Commerce Date:** 2004-09-01

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2006-10-31 - Registered - Supplemental Register

2006-09-21 - Law Office Publication Review Completed

2006-09-15 - Assigned To LIE

2006-09-13 - APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER

2006-08-10 - Amendment From Applicant Entered

2006-08-04 - Communication received from applicant

2006-08-04 - PAPER RECEIVED

2006-02-14 - Final refusal e-mailed

2006-02-14 - Final Refusal Written

2006-01-24 - Amendment From Applicant Entered

2006-01-17 - Communication received from applicant

2006-01-17 - PAPER RECEIVED

2005-11-25 - Non-final action e-mailed

2005-11-25 - Non-Final Action Written

2005-11-17 - Assigned To Examiner

2005-04-28 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Donald N. Huff

**Correspondent**

DONALD N. HUFF

DYKEMA GOSSETT PLLC

1300 I ST NW STE 300

WASHINGTON, DC 20005-3314

Phone Number: 202 906 8638

Fax Number: 202 906 8669

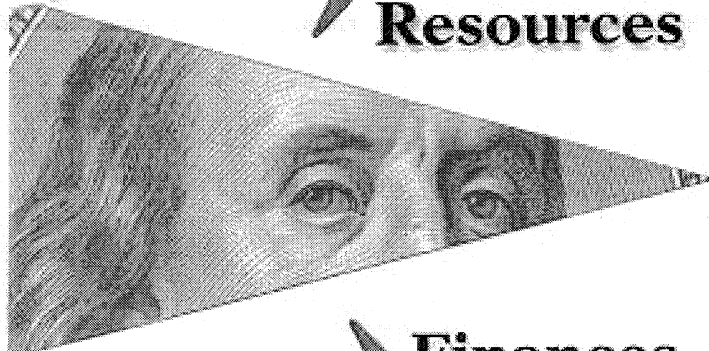
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**Serial No. 77/708,852**

Applicant.

**Offered by:** The CFO Group, Inc. (Opposer)

➤ **Human  
Resources**



➤ **Finances**

**Tailored Strategies,  
Proven Results.**



**CFO**  
**Systems**  
GROUP

**Outsourced  
Chief Financial Officer  
services for small business.**

## Increasing Profits Without Increasing Revenue.

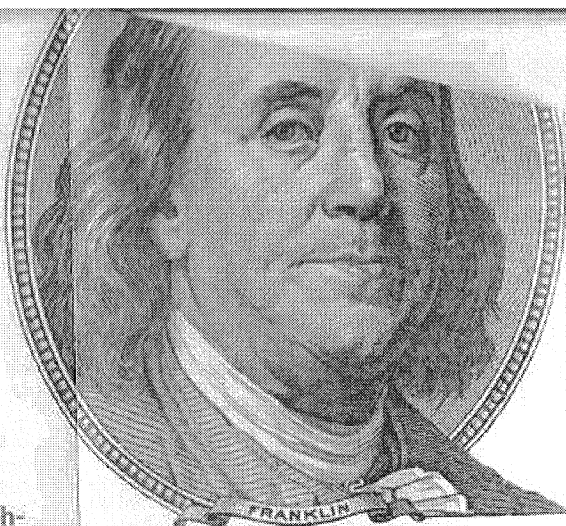
By establishing and integrating operations, financial, IT, and HR systems, CFO Systems Group increases its clients' bottom-line profits without increasing their revenue.

Traditionally businesses depend on a Chief Financial Officer to do this work. By outsourcing to CFO Systems Group on an interim, part-time or per-project basis, you can save money while benefiting from the experience and wisdom that a team of professionals has to offer.

In fact, the systems improvements we suggest typically extract enough additional profit out of given revenue streams that we are able to pay for ourselves.

# [www.cfosystemsgroup.com](http://www.cfosystemsgroup.com)

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**"We hired CFO Systems Group as an interim CFO and they gave us excellent advice and guidance."**

Michelle B.  
General Manager of a civil engineering firm  
LaPlata, Maryland

**"CFO Systems Group has really helped me refocus my company."**

Charles P.  
President of a landscaping firm  
North Beach, Maryland

**"I would highly recommend CFO Systems Group to any owner looking to improve his systems, processes, profitability and the general management of his company."**

Frank S.  
President of an IT services company  
Huntingtown, Maryland



## ➤ Accounting

We organize our clients' charts of accounts to provide accurate financial statements, thereby enabling improved cash flow projections, budgeting and capital expenditure planning.

## ➤ Information Technology

We analyze our clients' IT infrastructure not only to assure stable platforms with secure data, but to help them realize the full potential of their systems.

**May we help you find  
the profit within?**

## ➤ Finances

Our tailored services and guidance include no-nonsense processes, pre-packaged spreadsheets, and reporting activities that yield quick results and a sustained, healthy business.

We expand customers' businesses with Excel and PowerPoint templates that can be quickly modified for presentations to banks and investors.

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## ➤ Operations

We review our clients' operations and then suggest practical solutions for tracking activities and tightening controls, streamlining product and service lines and optimizing supply chains to help them meet their objectives and improve margins.

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care  
more  
form



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**Serial No. 77/708,852**

\_\_\_\_\_  
The CFO Group, Inc., a Michigan corporation )

Opposer, )

v. )

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Maxprofits, LLC d/b/a CFO Systems Group, LLC, )  
a Maryland limited liability company )

Applicant. )  
\_\_\_\_\_)

**EXHIBIT 3**

**Offered by:** The CFO Group, Inc. (Opposer)

CFO Systems Group: Outsourced CFO Services: Accounting, HR, Budgeting, Cash Flow, Coaching, more - Internet Explorer provided by

http://www.cfosystemsgroup.com/index.html

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CFOSystems GROUP  
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Chief Financial Officer  
services for small business**

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**Who We Are**

After spending more than 30 years in the energy, construction, manufacturing and financial sectors, CFO Systems Group founder, Paul Fatseas, realized that his combination of experience as both an HR professional and chief financial officer gave him an unusual skill set that many small and medium size businesses could benefit from.

[Read More](#)

**What We Do**

CFO Systems Group offers outsourced services that can quickly increase its clients' profits without increasing revenue by establishing new operations, financial, IT, and HR systems that cut costs through improved management.

[Read More](#)

***We hired CFO Systems Group as an interim CFO and they gave us excellent advice and guidance.***

Michelle B.  
General Manager of a civil engineering firm  
LaPlata, Maryland

**Serial No. 77/708,852**

Applicant.

Opposition No. \_\_\_\_\_

**Offered by:** The CFO Group, Inc. (Opposer)



**Outsourced Chief Financial Officer  
Services for Small Business**

*Accounting, Finance, HR and IT guidance, coaching,  
interim and per project services, tools, systems  
and processes for a healthier Bottom Line*

**Serial No. 77/708,852**

Applicant.

**Offered by:** The CFO Group, Inc. (Opposer)





## **Outsourced-Chief Financial Officer Services for Small Business**

**Strategic guidance and services for a more  
efficient and profitable company.**

We provide you with the tools, systems and  
processes you need for a **healthier Bottom Line.**

Take advantage of our expertise in:

**Accounting**

**Finance**

**HR**

**IT**

Our terms are extremely flexible - interim, part-time, or per  
project basis – to fit your specific needs. Or maybe you just  
need another set of eyes to looking things over.

**[www.cfosystemsgroup.com](http://www.cfosystemsgroup.com)**

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**410-610-1010**

***Serving Washington, Baltimore, Annapolis,  
and everywhere in-between.***

**Serial No. 77/708,852**

Applicant.

**Offered by:** The CFO Group, Inc. (Opposer)



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The  
**CFO Group**

*Providing CFO Services to small & mid-sized companies*



**Mission** -- The CFO Group provides periodic or project-based services that assist small and medium-sized companies with finance and accounting issues, supplementing their expertise or assisting during peak periods.

#### STRATEGIC

- Strategy Review
- Business Plan Development
- Board Meeting Prep / Assist
- Financial Modeling
- IPO Preparation

#### SYSTEMS

- Process-flow Review
- Software Cost / Benefit Analysis
- Software Review & Selection
- Implementation
- Internal Control Review
- Profit/Cost Center Implementation

#### RAISING MONEY

- Preparing to Meet Investors
  - Updating Your Records
  - Refining Your Story
  - Business / financial plans
  - Presentations
- Financial Institutions
  - Researching
  - Leading the borrowing process
  - Negotiating Agreements
- Working Capital Reviews

#### HUMAN RESOURCES

- Benefit Plan Review / Selection
  - Health Insurance
  - Cafeteria Plans
  - 401K, etc.
- Designing / Implementing Incentive Plans
- Stock-option Plans
  - Design
  - Implement
  - Maintenance
- Drafting Policies & Procedures

#### M & A

- Evaluate Potential Acquisitions
- Negotiation Assistance
- Due Diligence
- Liaison with Counsel
- Integration Assistance
- Company Sale / Divestiture
  - Ascertain Buyers
  - Negotiation Assistance
  - Analysis & Documentation

#### CORPORATE

- Accounting Department Leadership
- Accounting Procedure Review
- Update Stockholder Records
- Investor Liaison
- Analysis
  - Operations / Profitability
  - Balance Sheet
  - Market Share
  - Capital Projects
- Budget - Create / Maintain
- Corporate taxes
- Negotiate Sales/Vendor Contract

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Please contact us at  
2301 Platt Road, Suite 10, Ann Arbor, Michigan 48104  
(248) 361-3341

**Serial No. 77/708,852**

EXHIBIT 7

**Offered by:** The CFO Group, Inc. (Opposer)



Providing CFO Services to small & mid-sized companies

**MISSION** --The CFO Group provides on-going or project-based services that assist small and medium-sized companies with finance, operating and accounting issues, providing or supplementing expertise or assisting during peak periods.

### STRATEGIC

- Strategy Review
- Business Plan Development
- Board Meeting Prep / Assist
- Financial Modeling
- IPO Preparation

### SYSTEMS

- Process & Workflow Review
- Software Cost / Benefit Analysis
- Software Review & Selection
- Implementation
- Internal Control Review
- Profit/Cost Center Implementation

### RAISING MONEY

- Preparing to Meet Investors
  - Updating Your Records
  - Refining Your Story
  - Business / financial plans
  - Presentations
- Financial Institutions Liasion
  - Leading the borrowing process
  - Negotiating Agreements
- Working Capital Reviews
- Update Stockholder Records

### HUMAN RESOURCES

- Benefit Plan Review / Selection
  - Health Insurance
  - Cafeteria Plans
  - 401K, etc.
- Design/Implement Incentive Plans
- Stock-option Plans
  - Design / Implement / Maintain
- Drafting Policies & Procedures
- Assist with Evaluating Employee(s) and the Relevant Process

### M & A

- Evaluate Potential Acquisitions
- Negotiation Assistance
- Due Diligence
- Liaison with Counsel
- Integration Assistance
- Company Sale / Divestiture
  - Ascertain Buyers
  - Negotiation Assistance
  - Analysis & Documentation

### OPERATIONS

- Accounting / Finance / Admin Leadership
- Accounting Procedure Review
- Generate and / or Interpret Monthly Financials
- Liaison with Attorney, Investors...
- Analysis
  - Operations / Profitability
  - Balance Sheet
  - Project Cost Benefit
  - etc.
- Budget - Create / Track
- Tax Advice
- Contracts Negotiation Assistance